

J. HENRY ENNEN AND OTHERS

MAY 20, 1958.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. LANE, from the Committee the Judiciary, submitted the
following

REPORT

[To accompany H. R. 10416]

The Committee on the Judiciary, to whom was referred the bill (H. R. 10416) for the relief of J. Henry Ennen and others, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Navy is hereby authorized to settle claims submitted to him by J. Henry Ennen, Suzanne Sennott, Don I. Mitchell, Ejnar Christian Halden, Arne Petersen, and Svend Arne Piił for the loss of personal property resulting from a fire which occurred at, and in the vicinity of, the bachelor officers' quarters, United States Naval Station, Long Beach, California, on December 29, 1956. That such claims shall be settled and paid in the same manner and under the general authority otherwise provided the Secretary of the Navy in sections 2731 and 2732 of title 10, United States Code.

Amend title so as to read:

A bill for the relief of J. Henry Ennen and others.

The Secretary of the Navy submitted to the chairman of the committee a report dated May 1, 1958, which gives in detail the history of this proposed legislation and is opposed to the bill as introduced, and suggested it be amended to include other claimants and to be paid in the manner that military personnel had been paid as the result of this fire. Your committee has amended the bill to conform to that recommendation, and recommend favorable consideration of the bill as amended. The report is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
OFFICE OF LEGISLATIVE LIAISON,
Washington, D. C., May 1, 1958.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C

MY DEAR MR. CHAIRMAN: Reference is made to your letter of February 4, 1958, to the Secretary of the Navy requesting comment on H. R. 10416, a bill for the relief of J. Henry Ennen.

The purpose of H. R. 10416, as stated in the bill, is to authorize payment of \$1,124.25 to J. Henry Ennen in full settlement of all claims against the United States for the loss of personal property incurred by J. Henry Ennen on December 28, 1956, when the bachelor officers' quarters at the United States Naval Station, Long Beach, Calif., were destroyed by fire.

Available information indicates that at the time of the fire, Mr. Ennen, in connection with his employment with the special services department of the naval station, was permitted the use of quarters in the building which was destroyed by fire on December 29, 1956. It should be noted that the date of the fire, as stated in the bill, is in error, since the fire began at 3 a. m. on the 29th of December rather than the 28th of December. Official records indicate that after the fire was discovered it spread so rapidly that there was no opportunity to save any personal belongings. Although the fire was of undetermined origin, there is an absence of any indication of negligence on the part of the Navy or of naval personnel.

The claims of military personnel who also suffered financial losses in the fire are currently being settled under the authority of the act of July 3, 1952, chapter 548 (66 Stat. 321). Similarly, the claims of civilian employees of the Armed Forces are also cognizable under this provision of law. However, it has been held that employees of nonappropriated-fund activities are not considered as employees of the Armed Forces and, therefore, Mr. Ennen, having been employed by the special services department of the naval station, a nonappropriated-fund activity, is not covered by the cited act.

By virtue of this fact, Mr. Ennen is in the same position as at least five other persons who also lost effects in this fire which cannot be compensated for under existing claims authority. Two employees of the American Red Cross and three Danish naval officers fall into this category and are identified as follows:

Miss Suzanne Sennott, American Red Cross, U. S. Naval Station, Long Beach, Calif.....	\$1, 659. 90
Don I. Mitchell, care of Mr. and Mrs. Will G. Keck, 1022 2d St., Webster City, Iowa.....	1, 887. 90
Ens. Ejnar Christian Haldan, RDN, Lille Emmerske pr Toender, Denmark.....	35. 50
Lt. (E) Arne Petersen, RDN, Koldiggade 30, Copenhagen Ø Denmark.....	53. 00
Lt. Comdr. Svend Arne Piil, RDN, Bendzvej 2, Copenhagen F. Denmark.....	58. 50

The Department of the Navy is opposed to the enactment of H. R. 10416, since it would single out Mr. Ennen for payment of his loss and, in so doing, discriminate against these others who are equally deserving of consideration. The Department of the Navy would not oppose general legislation which would serve to afford relief to all

those who had sustained financial loss as a result of this fire, but whose claims are not subject to settlement under existing law. If legislation of this nature is enacted, claims thereunder should be subjected to as strict an adjudication and audit as have been the claims of military personnel arising out of this fire.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on H. R. 10416 to the Congress.

Sincerely yours,

R. Y. McELROY,
Captain, United States Navy,
Deputy Director, Legislative Liaison
(For the Secretary of the Navy).

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The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people. It is composed of members who are physicians, dentists, nurses, and other health care professionals. The Association's primary concern is the advancement of the medical profession and the improvement of the health of the community. It achieves this through various means, including the publication of journals, the holding of conferences, and the provision of educational programs. The Association also advocates for the interests of the medical profession in relation to public policy and legislation. Its efforts are aimed at ensuring that the medical profession is able to provide the highest quality of care to the public.

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